

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HLH/33

- Applicant** : Huge Champion Limited represented by Honest Land Surveys Company
- Site** : Lot 373 in D.D. 87, Hung Lung Hang, New Territories
- Site Area** : 4,057 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Lung Hang Outline Zoning Plan (OZP) No. S/NE-HLH/11
- Zoning** : Agriculture (“AGR”)
- Application** : Proposed Temporary Open Storage of Construction Machineries and Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary open storage of construction machineries and ancillary office for a period of 3 years. The Site falls within the “AGR” zone on the approved Hung Lung Hang OZP No. S/NE-HLH/11 (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of 3 years within the zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently partly vacant and partly used for an open storage of tyres mainly at the northwestern portion of the Site without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 According to the applicant, two converted containers for office use are proposed at the north and west of the Site respectively (**Drawing A-1**). The total floor area of the structures is about 29.3m² and the height of the structures is 2.44m. Three parking spaces for private car (measuring 5m x 2.5m) and two loading/unloading bays for light goods vehicle (measuring 7m x 3.5m) will be provided at the Site (**Drawing A-1**). The Site has two ingress/egress at the north and west of the Site respectively abutting a local track leading to Kong Nga Po Road (**Drawing A-1**). The proposed operation hours are from 7:30 a.m. to 8:00 p.m. from Mondays to Fridays and from 7:30 a.m. to 1:30 p.m. on Saturdays. No operation will be carried out on Sundays and public holidays. The layout plan, proposed landscape plan and drainage plan submitted by

the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 In support of the application, the applicant has submitted the Application Form with attachments and further information (**Appendices I and Ia**) which were received on 5.11.2018 and 12.12.2018 respectively.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 9 of the Application Form and further information at **Appendices I and Ia** respectively. They can be summarized as follows:

- (a) the Site provides temporary storage for heavy machineries which will support the infrastructural works of the Liantang/Heung Yuen Wai Boundary Control Point (LT/HYW BCP), Lung Shan Tunnel and future large scale infrastructure in the northern New Territories;
- (b) it is not easy to find suitable place to store the heavy construction machineries and to transport the machineries. The Site provides a convenient location to store the machineries;
- (c) the proposed development is compatible with the open storage uses in the vicinity;
- (d) the proposed development would not generate significant adverse noise, visual and drainage impacts and the applicant would provide drainage facilities and landscaping on the Site;
- (e) the proposed development would not generate adverse traffic impact as the local road would have sufficient capacity to accommodate the traffic generated by the proposed development and adequate maneuvering space is provided within the Site;
- (f) the temporary nature of the proposed open storage use would not jeopardize the long-term planning intention of the “AGR” zone;
- (g) no undesirable precedent will be established given the unique background to serve the needs of large scale infrastructure; and
- (h) a contractor of Queen’s Hill public housing project (i.e. potential tenant) stating that it may rent the subject site for storage of construction machineries and materials should the application be approved by the Committee in support of the application.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD) states that the Site is currently subject to planning enforcement actions against an unauthorized development involving storage use (including deposit of containers). Enforcement Notices (No. E/NE-HLH/98 and E/NE-HLH/99) (**Plan A-2**) were both issued on 10.8.2018 to the concerned party requiring discontinuance of the unauthorized development. Since the unauthorized development has not been discontinued upon expiry of the notices on 10.10.2018, the concerned party may be subject to prosecution.

5. **Town Planning Board Guidelines**

Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) is relevant to the application. The Site falls within Category 3 area under the TPB PG-No. 13E promulgated on 17.10.2008. Relevant extract of the Guidelines is at **Appendix II**.

6. **Previous Application**

There is no previous application for the Site.

7. **Similar Applications**

7.1 There are five similar applications (No. A/NE-HLH/14, 17, 20, 21 and 32) for temporary open storage uses which fall within “AGR” zone in the vicinity of the Site in the Hung Lung Hang area (**Plan A-1**).

7.2 All applications were rejected by the Committee or by the Board on review or dismissed by the Town Planning Appeal Board Panel (TPAB) between March 2008 and August 2018 mainly on the grounds of not in line with the planning intention of the “AGR” zone; no/insufficient information to demonstrate that the developments would not generate adverse environmental, traffic and/or landscape impacts on the surrounding areas; setting undesirable precedents for other similar applications; no previous planning approval had been granted to the application sites; adverse departmental comments received on the applications; and not complying with the TPB PG-No.13E for Application for Open Storage and Port Back-up Uses.

7.3 Details of the applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

8. **The Site and Its Surrounding Areas** (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plans A-4a and A-4b)

8.1 The Site is:

- (a) formed, paved, and fenced off;

- (b) segregated into three portions by fencing (**Plan A-3**);
- (c) currently partly vacant and partly used for the open storage of tyres at the northwestern portion of the Site without valid planning permission; and
- (d) accessible by a local track (**Plan A-1**).

8.2 The surrounding areas have the following characteristics:

- (a) rural character mixed with open storage yards, warehouse, temporary structures for domestic and storage uses, tree clusters, active and fallow agricultural land, and vacant/unused land;
- (b) to its immediate northeast and southwest are open storage yards for construction materials and equipment and machineries;
- (c) to its north, east and west are cluster of tree groups, active and fallow agricultural land, and vacant/unused land (**Plan A-3**); and
- (d) a local track is abutting the northwestern boundary of the Site leading to Kong Nga Po Road (**Plan A-1**).

9. Planning Intention

The planning intention of the “AGR” zone in the Hung Lung Hang area is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises Old Schedule Lot under the Block Government Lease (demised for agriculture use) without any guaranteed right of access. The applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement;
- (b) the existing structures on site were erected without approval from his office. The numbers of the aforesaid structures and their total built-over area do not tally with those under the subject application. The aforesaid structures are not acceptable under the Leases concerned and his office reserves the rights to take necessary lease enforcement actions against the

aforesaid structures; and

- (c) if the planning application is approved, the owner of the lot concerned shall apply to his office for a Short Term Waiver (STW) covering all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW application is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fees as considered appropriate by his office.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) the applicant should provide the following transport-related information for her further consideration:
 - (i) in view of the traffic condition on roads in the North District, the applicant shall carry out a traffic impact assessment of the subject application;
 - (ii) width of the vehicular access of the Site;
 - (iii) the applicant may consider restricting to have one vehicular access only;
 - (iv) drawing showing vehicle maneuvering at vehicular access to demonstrate no vehicles reversing on village tracks; and
 - (v) the estimated trip rate accessing the Site;
- (b) without such information, she could not conclude her advice on the application as no information has been submitted by the applicant to demonstrate that the development would not generate adverse traffic impacts on the surrounding areas; and
- (c) the village tracks and Kong Nga Po Road are not under TD's management. The applicant should check the land status of the access with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities accordingly.

Project Interface

10.1.3 Comments of Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD):

he has no comment on the application from the project interface point of view. CEDD's contractors are not required to store the machineries for the construction works of LT/HYW BCP and Lung Shan Tunnel in the Site.

10.1.4 Comments of the Director of Housing (D of H):

Noting that the Site is outside Queen's Hill site, there is no project interface issue.

Environment

10.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application as there is a domestic structure about 60m away from the site boundary (**Plan A-2**);
- (b) there was no substantiated environmental complaints against the Site during the past three years; and
- (c) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses".

Landscape

10.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) she has some reservations on the application from the landscape planning perspective;
- (b) according to the aerial photo of 2018, the Site is situated in an area of rural landscape character. The surrounding area comprises rural landscape setting with many clustered tree groups, container parking areas and temporary structures. The proposed development is considered not entirely incompatible with the existing surrounding environment. Since 2005, the Site had been cleared of vegetation and gradually hard paved with erection of temporary structures;
- (c) according to her site record, the Site is connected to Kong Nga Po Road by a one-lane mud track. There are temporary structures within the Site, which is fenced off and hard paved, and is already in operation as open storage. No vegetation is found within the Site. Although landscape impact arising from the proposed temporary use under application is not anticipated, the proposed development, if approved, would set an undesirable precedent of site modification prior to application. The cumulative impact of such approval would further degrade the landscape quality of the surrounding area; and
- (d) since the Site is surrounded by many clustered tree groups with no major public frontage along site boundary, and new plantings within the Site have been proposed by the applicant, it is considered not necessary to impose a landscape condition as its effect on public realm quality enhancement is not apparent. Should the Committee approve the application, the applicant should be advised to properly maintain all landscape plantings within the

Site at all times during the planning approval.

Drainage

10.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no in-principle objection to the application;
- (b) the Site is in an area where no public sewer connection is available;
- (c) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for their Sites to ensure that it will not cause adverse drainage impact to the adjacent areas; and
- (d) the drainage proposal submitted by the applicant is too brief. The general requirements in the drainage proposal are appended in **Appendix IV**.

Building Matters

10.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) there is no record of approval of the Building Authority (BA) for the buildings/structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application;
- (b) the proposed temporary structures are subject to the control of Part VII of the Building (Planning) Regulations (B(P)Rs);
- (c) if the existing structures are erected on lease land without approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (d) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
- (e) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- (f) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the Site intended to be

used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;

- (g) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the B(P)Rs respectively; and
- (h) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage.

Agriculture and Nature Conservation

10.1.9 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

the Site is a paved land and can be used for green house cultivation or plant nursery. Agricultural activities are found in the vicinity of the Site. Besides, agricultural infrastructures such as road access and water source are available. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.

Water Supply

10.1.10 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the application; and
- (b) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Fire Safety

10.1.11 Comments of the Director of Fire Services (D of FS):

- (a) he has no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for firefighting being provided to the satisfaction of his department;
- (b) having considered the nature of the use, an approval condition on provision of fire extinguisher(s) within 6 weeks from the date of planning approval is recommended for inclusion in the planning permission. To address this condition, the applicant should submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his department for compliance of condition;
- (c) if covered structures (e.g. container-converted office, temporary warehouse

and temporary shed used as workshop) are erected within the Site, FSIs will need to be installed;

- (d) in such circumstances, except where building plan will be circulated to his department via the Centralized Processing System of BD, the applicant is required to send the relevant layout plans to his department incorporated with the proposed FSIs for approval. In preparing the submission, the applicant is advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the locations of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
- (e) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans. The applicant will need to subsequently provide such FSIs according to the approved proposal.

District Officer's Comments

10.1.12 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The incumbent North District Council (NDC) member of the subject constituency, and the Indigenous Inhabitant Representative and Resident Representative of Lei Uk have no comment on the application. 打鼓嶺沙嶺村居民福利會 objects the application as the proposed development would worsen the situation of the already congested Man Kam To Road.

10.2 The following Government departments have no comment on/no objection to the application:

- (a) Director of Electrical and Mechanical Services; and
- (b) Chief Highway Engineer/New Territories East, Highways Department.

11. Public Comments Received During Statutory Publication Period

On 13.11.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, eight public comments were received (**Appendix V**). The Chairman of Sheung Shui District Rural Committee and a member of NDC indicate no comment on the application. An individual supports the application mainly on the ground that in view of a number of infrastructure projects in North District, there will be shortage of open storage yards in the district. The remaining five comments from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, The Hong Kong Bird Watching Society and two individuals object to the application mainly on the grounds that the proposed development is not in line with the planning intention of "AGR" zone and TPB PG-No.13E; the proposed open storage use should be accommodated in

custom built high-rise industrial buildings; similar applications in the Hung Lung Hang area have been rejected by the Committee; the Site has been destroyed first prior to submitting the planning application; and the approval of the application will legitimize existing unauthorized development and set an undesirable precedent for other similar applications within the “AGR” zone.

12. Planning Considerations and Assessments

12.1 The Site falls within Category 3 area under the TPB PG-No. 13E promulgated by the Board on 17.10.2008. The following considerations in the Guidelines are relevant:

Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. In that connection, sympathetic consideration may be given if the applicant has demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

12.2 The Site falls entirely within the “AGR” zone on the approved Hung Lung Hang OZP No. S/NE-HLH/11. The proposed temporary storage of construction machineries and ancillary office at the Site is not in line with the planning intention of “AGR” zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application as the Site possesses potential for agricultural rehabilitation and can be used as greenhouse cultivation or plant nursery. No strong planning justification has been given in the submission to justify for a departure from the planning intention, even on a temporary basis.

12.3 The Site is situated in an area of rural landscape character dominated by open storage yards, temporary structures for domestic and storage uses, tree clusters, fallow agricultural land, and vacant/unused land (**Plan A-2**). It is the subject of active enforcement cases by the Planning Authority for storage use. Since the unauthorized development (i.e. storage use) has not been discontinued upon the expiry of the enforcement notices in October 2018. The concerned party may be subject to prosecution by Planning Authority. It is also noted that the Site had been cleared of vegetation since 2005. Despite landscape impact arising from the proposed temporary open storage use is not anticipated, the proposed development, if approved, would set an undesirable precedent of site modification prior to application. The cumulative impact of such approval would further degrade the landscape quality of the surrounding area. In this regard, CTP/UD&L, PlanD has reservation on the application from the landscape planning point of view.

12.4 As no information has been submitted by the applicant to demonstrate that the development would not generate adverse traffic impacts on the surrounding areas, C for

T could not conclude her advice on the application. There is a domestic structure located to the southeast of the Site at a distance of less than 60m (**Plan A-2**). In this regard, DEP does not support the application. Other Government departments, including CE/MN of DSD, CE/C of WSD and DFS have no objection or no adverse comment on the application. PM(N), CEDD advises that his contractors are not required to store construction machineries for the construction works of LT/HYW BCP and Lung Shan Tunnel in the Site. Since the Site is outside Queen's Hill, D of H advises that no project interface issue is anticipated.

- 12.5 The proposed temporary development is not in line with the TPB PG-No. 13E (**Appendix II**) in that the Site falls entirely within Category 3 area where applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. The Site is not the subject of any previous planning approval for similar open storage uses and there is no special circumstance in the application that justify sympathetic consideration; there are adverse departmental comments and local objections to the application; and the applicant has failed to demonstrate that the development would not cause adverse traffic, environmental and landscape impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications in the "AGR" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment and landscape quality of the area.
- 12.6 There are five similar applications (Nos. A/NE-HLH/14, 17, 20, 21 and 32) for open storage use within the same "AGR" zone which were rejected by Committee or by the Board on review or dismissed by the TPAB between March 2008 and August 2018 mainly on the grounds of not in line with the planning intention of the "AGR" zone; no/insufficient information to demonstrate that the developments would not generate adverse environmental, traffic and/or landscape impacts on the surrounding areas; setting undesirable precedents for other similar applications; no previous planning approval had been granted to the application sites; adverse departmental comments received on the applications; and not complying with the TPB PG-No.13E for Application for Open Storage and Port Back-up Uses. The circumstance of the current application is similar to the rejected applications.
- 12.7 There are local objections and adverse public comments against the application mainly on the grounds of being not in line with the planning intention of "AGR" zone and TPB PG-No.13E, similar rejected applications in Hung Lung Hang area, adverse traffic impact, and setting of an undesirable precedent for similar applications. In this regard, Government departments' comments and planning assessments as stated above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and public comments in paragraph 11 above, the Planning Department does not support the application for the following reasons:
 - (a) The proposed development is not in line with the planning intention of the "AGR" zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to

retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' in that no previous planning approval has been granted at the Site and there are adverse departmental comments and local objection on the application;
- (c) the applicant fails to demonstrate that the proposed development would not generate adverse traffic and environmental impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 4.1.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 8:00 p.m. and 7:30 a.m. from Mondays to Fridays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 1:30 p.m. and 7:30 a.m. on Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (f) the peripheral fencing shall be maintained on Site at all times during the planning approval period;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town

Planning Board by 4.7.2019;

- (h) in relation to (g) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.10.2019;
- (i) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.2.2019;
- (j) the submission of proposals for fire service installations and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.7.2019;
- (k) in relation to (j) above, the implementation of proposals for fire service installations and water supplies for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.10.2019;
- (l) the submission of traffic impact assessment within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 4.7.2019;
- (m) in relation to (l) above, the implementation of traffic improvement measures identified therein within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 4.10.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix VI**.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.

- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form with attachments received on 5.11.2018
Appendix Ia	Further Information received on 12.12.2018
Appendix II	Relevant Extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses Under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E)
Appendix III	Similar s.16 Applications for Temporary Open Storage within/partly within “Agriculture” Zone in the vicinity of the Application Site in the Hung Lung Hang Area
Appendix IV	Detailed Comments of Chief Engineer/Mainland North, Drainage Services Department
Appendix V	Public Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape Proposal
Drawing A-3	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2019**